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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,502	09/22/2003	Ryuji Zaiki	239198US2	6840
22850	7590	05/20/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHURCH, CRAIG E	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,502

Applicant(s)

ZAIKI, RYUJI

Examiner

Craig E. Church

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations conveyed by "configured to" are unclear. For example, do claims 1, 16, 22 and 23 recite an x-ray source and detector or not? The structural limitations conveyed by the following are unclear:

Claim 1

operation unit configured to operate drive (no drive is claimed)

wireless communication unit configured to transmit a wireless signal related to the drive (no drive is claimed)

drive control unit configured to control the drive (no drive is claimed)

Claim 2

attachment units configured to attach and detach

Claim 3

state detection unit configured to detect a state of attachment

Claim 4

state detection unit is configured to detect

Claim 5

drive control unit stops the drive (no drive is claimed)

Claim 7

direction of the drive (no drive is recited)

Claim 9

communication unit is provided with respect to each the guide rail

Claim 10

related to the drive (no drive is claimed)

Claim 11

configured to operate drive (no drive is recited)

Claim 12

controls the drive (no drive is recited)

Claim 13

stops the drive (no drive is recited)

Claim 14

controls the drive (no drive is recited)

Claim 15

controls the drive (no drive is recited)

Claim 16

operation unit configured to operate drive (no drive is claimed)

configured to be attached to and detached from

drive control unit configured to control the drive (no drive is claimed)

attachment unit

state detection unit configured to detect a state of attachment

Claim 18

drive control unit is configured to stop the drive (no drive is claimed)

Claim 20

direction of the drive (no drive is recited)

Claim 21

related to the drive (no drive is claimed)

Claim 22

operating the drive (no drive is claimed)

related to the drive (no drive is claimed)

controlling the drive (no drive is claimed)

Claim 23

operation unit configured to operate drive (no drive is claimed)

operation direction of the operation unit

drive direction (no drive is recited)

operation direction of an operation unit

The claims are largely written in functional language rather than in a positive recitation of the structural elements that comprise the invention. The claims fail to recite elements essential to the invention, ie the claims appear to recite a wireless transmitter (wireless communications unit), but no wireless receiver is claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (6801594). Ali teaches an x-ray CT scanner including a source 14 and detector 18 mounted on a rotating gantry, patient support 46 and wireless operation unit (figure 5) configured to control operation of the scanner. The meets and bounds of these claims are obscure.

Any inquiry concerning this communication should be directed to Examiner Church at telephone number (571) 272-2488.

Application No. 10/665502
Art Unit 2882

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Craig E. Church

Craig E. Church
Senior Examiner
Art Unit 2882